

Kerala Gazette No. 39 dated 6th October 2009.

PART I



GOVERNMENT OF KERALA

Abstract

HIGHER EDUCATION—NOC FOR INCREASE IN INTAKE OF THANGAL KUNJU MUSALIAR COLLEGE OF ENGINEERING, KOLLAM UNDER THE MANAGEMENT OF THANGAL KUNJU MUSALIAR TRUST, KOLLAM—MODIFIED/SUPERSEDED—ORDERS ISSUED.

HIGHER EDUCATION (J) DEPARTMENT

G. O. (Ms.) No. 131/09/H.Edn.

Dated, Thiruvananthapuram, 7th August 2009.

Read:—(1) Letter from the Adviser, All India Council for Technical Education.
(2) Letter No. Ac.B/2009 dated 16-7-2009 from the Registrar, Kerala University, Thiruvananthapuram.
(3) Letter dated 17-7-2009 from the Chairman, Governing Body, Thangal Kunju Musaliar College of Engineering, Kollam.
(4) Affidavit Submitted by the Chairman, Governing Body, Thangal Kunju Musaliar College of Engineering, Kollam.
(5) G. O. (Rt.) No. 1219/09/H.Edn. dated 5-8-2009.
(6) Agreement dated 6-8-2009 executed by the Chairman, Governing Body, Thangal Kunju Musaliar College of Engineering, Kollam.
(7) G. O. (Ms.) No. 128/09/H.Edn. dated 6-8-2009.

ORDER

1. All India Council for Technical Education has approved the increase in intake of the following branches in TKM College of Engineering, Kollam, Kerala for the year 2009-2010 viz.

(1) Chemical Engineering	.. From 40 to 60
(2) Civil Engineering	.. From 90 to 120
(3) Electronics & Communication Engineering	.. From 50 to 90
(4) MCA	.. From 30 to 60

2. The University of Kerala has granted permission for the increase in intake to all the above courses except MCA subject to concurrence of Government.

3. The Director of Technical Education had, as per his letter No.L1/43893/08/DTE dated 7-7-2009 reported that there will involve no additional financial commitment from the part of State Government towards increase in intake in the following four B. Tech. Courses as the infrastructural facilities are being provided by the management.

<i>Sl. No.</i>	<i>Course</i>	<i>Sanctioned Intake</i>	<i>Proposed Intake</i>
1	Civil Engineering	90	120
2	Mechanical Engineering	100	120
3	Electronics & Communication Engineering	50	60
4	Production Engineering	30	60

There will be huge potential demand for the above courses as the students passed out presently have tremendous opportunities. He has strongly recommended to issue sanction to increase in intake of the course mentioned above in TKM College of Engineering, Kollam on specific condition that there will not be any additional financial commitment from the part of State Government and no additional posts will be sanctioned in these disciplines due to this increase in intake.

4. The Thangal Kunju Musaliar Trust, Kollam the Educational agency in the letter read as 3rd paper has requested Government of Kerala to issue concurrence for filling up of the increased seats. In this regard the Chairman of the educational agency has submitted an affidavit before the Government stating the following:

- (i) That the College runs only courses and branches of Engineering approved by the Government of Kerala.
- (ii) That the teaching and non-teaching staff appointed by the educational agency is as per norms approved by Government of Kerala.
- (iii) That consequent to the implementation of the 1993 AICTE Scheme of teacher, teacher student ratio the number of teachers in various categories has varied but however no appointment has been made without the approval of Government of Kerala.

- (iv) That consequent to the increase in intake to the various branches stated above no further appointments to the teaching and non-teaching category would be required as per Government norms, University laws and Statutes or of any Regulatory Body related to the subject matter of this affidavit.
- (v) That, if at anytime, now or later, further appointments, or fresh appointments in any category, in any respect or in any manner, is necessitated in the interests of the students is/or warranted by any law, order or regulations of any Government consequent to the now permitted increase in intake, the educational agency would make such appointments as per law required, but without detriment to the interests of the students admitted or the Government, consequent to this sanction given by the Government of Kerala in this regard.
- (vi) That, the educational agency would bear all expenses towards having made such appointments and shall not in any manner whatsoever commit the Government of Kerala to any liability whatsoever.
- (vii) That, the students admitted to the increased intake would be treated at par with students admitted to the college under the regular hereunto approved intake with regard to manner of admission, collection of fees etc., etc.
- (viii) All existing Government norms and orders or such norms and order hereafter issued by Government from time to time in respect of Government Aided Engineering Colleges in Private Sector shall be complied with.
- (ix) The Educational Agency shall indemnify the Government of Kerala from any liability arising whatsoever consequent to this sanction.

5. The Educational agency had filed W.P.(C) No. 21037/09 before the Hon'ble High Court requesting the Government to make allotment of students to the institution taking into account the additional intake sanctioned by the AICTE and the University. Hon'ble High Court in its Interim Order dated 30-7-2009 has directed the CEE to proceed to make the allotment of students as per the University's sanction dated 16-7-2009 to the institution on a provisional basis.

6. Government have examined the matter in detail. It is seen that AICTE and University have sanctioned the increase in intake without seeking the views of Government. Government have as a policy declared that new Colleges, new courses and increase in intake of existing courses would not be permitted to be started in Government and Government Aided Institutions.

7. However Government have considered the sanction of AICTE, University, and directions of Hon'ble High Court and the affidavit submitted by the Chairman of the educational agency to the effect that it would not burden the Government with any financial commitment whatsoever and also indemnify the Government from all effects which may fall on Government consequent to the sanction granted by Government. In consideration of the above, the Educational agency has also undertaken to enter into an agreement with Government upon such terms fixed by the Government. Accordingly the educational agency has entered in to an agreement on the following terms:—

- (a) The educational agency will agree to submit the documents to prove that the college has adequate infrastructure, human and physical, to conduct the course as required by the Government and the AICTE.
- (b) The educational agency will agree to abide by the procedure of admission in the college as decided or as may be modified by the Government from time to time and in accordance with the 1972 Direct Payment Agreement.
- (c) The educational agency shall set apart 85% of the seats of the course for being filled up by the Government or such authority determined or as may be modified by Government on the basis of orders of Government issued from time to time.
- (d) The educational agency agrees that the fees collected from the students admitted in the seats additionally allotted due to be increase in intake will be the same as that collected from the students admitted in the existing seats. The educational agency also agrees that the students admitted to the seats as per increased intake would be treated as per with students admitted to the existing seats for all purposes.
- (e) The Government shall not be liable to approve appointments or pay any amount to any person appointed for the conducting of the course as a result of the increase in intake.
- (f) The educational agency agrees to enter into an agreement with the affiliating University on the terms determined by the affiliating University in respect of all or any of the matters contained in this agreement.
- (g) Sanction granted shall be valid up to the end of the Academic Year 2009-10 as decided by the AICTE and University and renewable on the request of the educational agency and subject to the satisfactory compliance of the conditions specified herein and the permission of AICTE and the University.

(h) In the event of breach of any of the conditions in this agreement or in the Affidavit, the Agreement shall stand cancelled with effect from the date of such breach and the Government shall take such actions to safeguard the interest of the Government.

8. The affidavit and agreement have been duly vetted by the Law Department. It has been confirmed that the contents therein are sufficient to protect the interests of the Government vis-a-vis contingent financial liability and also the students admitted to the College. The Director of Technical Education will ensure that the conditions in the agreement are complied within full. The Affidavit, Agreement and orders of administrative sanction and NOC will be published in the Official Gazette.

9. Government are of the opinion that increase in intake approved by AICTE and permission granted by the University without consulting the Government is irregular and unacceptable. This will be conveyed to the AICTE and Universities in the State so that in future approval/sanction for new courses or increase in intake of existing courses may not be issued without obtaining the views of Government. The policy of the Government in this regard and the above shall be notified in the Kerala Gazette as a public notice for future guidance, so that Government are not put into similar embarrassing situations.

10. Government have granted NOC to Thangal Kunju Musaliar College of Engineering, Kollam as per Government Order read as 7th paper above for the increase in intake of the following courses.

(1) Chemical Engineering	.. From 40 to 60
(2) Civil Engineering	.. From 90 to 120
(3) Electronics & Communication Engineering	.. From 50 to 90

11. Government have issued the administrative sanction/NOC in view of the above compelling situations. The administrative sanction and NOC granted shall stand automatically cancelled in the event of breach of any of the terms and conditions in the affidavit and/or in the agreement. It is also declared that Government shall not be responsible in any manner whatsoever that may arise consequent of such cancellation. These matters are also be brought to the notice of AICTE/University and the educationl agency, TKM Trust, Kollam. It is also made clear that the educational agency shall proceed with administrative sanction/NOC under the express understanding of the above.

12. The Government Orders issued vide paper 5th and 7th cited shall stand modified/superseded to the above extent

By order of the Governor,

KURUVILLA JOHN,
Principal Secretary.

To

The Director of Technical Education, Thiruvananthapuram.
The Commissioner for Entrance Examinations, Thiruvananthapuram.
The Registrar, University of Kerala, Thiruvananthapuram.
The Chairman, Governing Body, Thangal Kunju Musaliar College of Engineering, Kollam.
The Director of Information & Public Relations, Thiruvananthapuram (For wide publication in leading news papers).
Stock File/Office Copy.

Copy to:—

Private Secretary to Minister (Education & Culture).
P. A. to Principal Secretary (Higher Education Department).

Kerala Stamp Paper—Rs. 50

AFFIDAVIT

I Shahal H. Musaliar aged 77 Son of A. Thangal Kunju Musaliar, residing at Belaire, No. 24, Musaliar Nagar, Kollam, Kerala, President, Thangal Kunju Musaliar Trust (hereinafter called the 'educational agency') and Chairman, Thangal Kunju Musaliar College of Engineering, Kollam (hereinafter called the 'college') do hereby solemnly affirm and state as follows.

I am authorized to swear this Affidavit on behalf of the educational agency;

I am an applicant for seeking NOC/sanction for the increase in the intake in the following branches of B. Tech course in the college as approved and permitted by the All India Council for Technical Education and the University of Kerala (True copies enclosed) for the year 2009-10;

- (1) B. Tech in Chemical Engineering—from 40 to 60-increase by 20
- (2) B. Tech in Civil Engineering—from 90 to 120-increase by 30
- (3) B. Tech in Electronics and Communication Engineering—from 50 to 90-increase by 40.

I for and on behalf of the educational agency do hereby state, agree and declare that I shall abide by and faithfully fulfill and comply all the conditions hereinafter appearing and further agree to abide by the rules and orders issued by the Government of Kerala from time to time in this regard in consideration of the NOC/Sanction given by Government ;

- (i) That the College runs only courses and branches of Engineering approved by the Government of Kerala.
- (ii) That the teaching and non-teaching staff appointed by the educational agency is as per norms approved by Government of Kerala.
- (iii) That consequent to the implementation of the 1993 AICTE Scheme of teacher, teacher student ratio the number of teachers in various categories has varied but however no appointment has been made without the approval of Government of Kerala.

- (iv) That consequent to the increase in intake to the various branches stated above no further appointments to the teaching and non-teaching category would be required as per Government norms, University laws and Statutes or any Regulatory Body related to the subject matter of this affidavit.
- (v) That, if at anytime, now or later, further appointments, or fresh appointments in any category, in any respect or in any manner, is necessitated in the interests of the students is/or warranted by any law, order or regulations of any Government consequent to the now permitted increase in intake, the educational agency would make such appointments as per law required, but without detriment to the interests of the students admitted or the Government, consequent to this sanction given by the Government of Kerala in this regard.
- (vi) That, the educational agency would bear all expenses towards having made such appointments and shall not in any manner whatsoever commit the Government of Kerala to any liability whatsoever.
- (vii) That, the students admitted to the increased intake would be treated at par with students admitted to the college under the regular hereunto approved intake with regard to manner of admission, collection of fees etc., etc.
- (viii) All existing Government norms and orders or such norms and orders hereafter issued by Government from time to time in respect of Government Aided Engineering Colleges in Private Sector shall be complied with.
- (ix) The Educational Agency shall indemnify the Government of Kerala from any liability arising whatsoever consequent to this sanction.

All the facts stated above are true and correct to the best of my knowledge and belief.

Verified at Thiruvananthapuram on this the 24th day of July 2009.

(Sd.)
DEPONENT

S. H. MUSALIAR,
*Chairman Governing Body,
Thangal Kunju Musaliar College of
Engineering, Kollam-5.*

WITNESS:

(i)	H. B. Mohammed Shareef, Administrative Officer, T. K. M. College Trust, Kollam.	(Sd.)
(ii)	S. Nazarudeen, Ushus, T. K. M. College P.O., Kollam-5.	(Sd.)

ANNEXURE-II

Kerala Stamp Paper—Rs. 50

AGREEMENT

This AGREEMENT is made at Thiruvananthapuram on this the 6th day of August, 2009 BETWEEN the GOVERNOR OF KERALA (hereinafter referred to as “the Government” which expression shall include his successors in office) represented by Principal Secretary to Government, Higher Education Department of the ONE PART and SHAHAL H. MUSALIAR, President, Thangal Kunju Musaliar College Trust, Kollam (herein after called the ‘Education agency’) and Chairman, Governing Body, Thangal Kunju Musaliar College of Engineering, Kollam which expression shall include its successors in office, representatives, legal heirs and assigns and having Registered Office at Kollam on the OTHER PART.

WHEREAS THE EDUCATIONAL AGENCY has established a College by name Thangal Kunju Musaliar College of Engineering, Kollam (hereinafter called the ‘College’) in the year 1958

AND WHEREAS the AICTE has sanctioned the following enhancement to the existing intake of students to the following courses run by the College, namely:-

- (1) B.Tech, Civil Engineering—30
- (2) B.Tech, Electronics and Communication Engineering—40
- (3) B.Tech, Chemical Engineering—20

AND WHEREAS the Educational Agency has requested NOC/Sanction from the Government for admitting students to the increased intake permitted by AICTE to be conducted in the College.

AND WHEREAS the affiliating University, University of Kerala has decided to grant permission to the increased intake subject to among other things the concurrence of the Government of Kerala vide their letter No.Ac. B/2009 dated 16-7-2009.

AND WHEREAS the Director of Technical Education has informed that there will be no additional financial commitment from the part of the state Government towards the above increase as the infrastructural facilities are being provided by the Educational agency and has further strongly recommended the

Government to sanction the increase in intake on the specific condition that there will not be any additional financial commitment and no additional posts will be sanctioned in these disciplines due to this increase in intake vide his letter No. L1/43893/08/DTE dated 7-7-2009.

AND WHEREAS the Educational agency has submitted an affidavit which shall form part of this agreement as if incorporated herein, swearing to fulfill the conditions specified in the affidavit, which specifies among other things to indemnify the Government of Kerala from all liabilities consequent to the granting of NOC.

AND WHEREAS the Government in view of the conditions mentioned above and those mentioned in the affidavit have accorded sanction to the educational agency to admit the enhanced number of students to the courses mentioned above vide G.O. (Rt) No. 1219/2009/H.Edn. dated 5-8-2009.

AND WHEREAS in consideration of the aforesaid decision of the Government, the Educational agency agrees to run the courses in accordance with the terms and conditions hereinafter appearing.

NOW THIS AGREEMENT WITNESSES AS FOLLOWS:—

1. The educational agency agrees to submit the documents to prove that the college has adequate infrastructure, human and physical to conduct the course as required by the Government, and the AICTE.
2. The educational agency agrees to abide by the procedure of admission in the college as decided or as may be modified by the Government from time to time and in accordance with the 1972 Direct Payment Agreement.
3. The educational agency shall set apart 85% of the seats in each of the courses for being filled up by the Government or such authority determined or as may be modified by Government on the basis of orders of Government issued from time to time.
4. The educational agency agrees that the fees collected from the students admitted in the seats additionally allotted due to the increase in intake will be the same as that collected from the students admitted in the existing seats. The educational agency also agrees that the students admitted to the seats as per the increased intake would be treated as par with students admitted to the existing seats for all purposes.
5. The Government shall not be liable to approve appointments or pay any amount to any person appointed for the conducting of the course as a result of the increase in intake.
6. The educational agency agrees to enter into an agreement with the affiliating University on the terms determined by the affiliating University in respect of all or any of the matters contained in this agreement.

7. The Sanction granted shall be valid up to the end of the Academic Year 2009-10 as decided by the AICTE and University and renewable on the request of the educational agency and subject to the satisfactory compliance of the conditions specified herein and permission of AICTE and the University.
8. In the event of any proved breach of the conditions in the Agreement or in the Affidavit, the Agreement shall stand cancelled with effect from the date of such breach and the Government shall take such actions to safeguard the interests of the Government.

IN WITNESS, WHERE OF the parties hereunto have set their hands to these presents on the day, month and year first above mentioned.

Signed by

PARTY ON THE FIRST PART
at Thiruvananthapuram.

(Sd.)
KURUVILLA JOHN,
*Principal Secretary,
Higher Education.*

In the presence of the Witnesses:

- (i) K. Lalithambika, (Sd.)
Additional Secretary,
Higher Education Department.
- (ii) S. Venugopalan Nair, (Sd.)
Section Officer,
Higher Education (J) Department.

(Sd.)

Signed by

PARTY ON THE SECOND PART
at Kollam.

S. H. MUSALIAR,
*Chairman Governing Body,
Thangal Kunju Musaliar College of
Engineering, Kollam-5*

In the presence of the Witnesses:

- (i) M. Haroon, (Sd.)
Member, T. K. M. College Trust,
Kollam - 4.
- (ii) M. Sherif, (Sd.)
Under Secretary,
Higher Education Department.
